

HOUSE BILL No. 1038

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-1-4.

Synopsis: Neglect of dependent causing death. Increases the penalty for neglect of a dependent to a Class A felony if the neglect results in the death of the dependent.

Effective: July 1, 1999.

Foley

January 6, 1999, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1038

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-46-1-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) A person having
3 the care of a dependent, whether assumed voluntarily or because of a
4 legal obligation, who knowingly or intentionally:
5 (1) places the dependent in a situation that may endanger his life
6 or health;
7 (2) abandons or cruelly confines the dependent;
8 (3) deprives the dependent of necessary support; or
9 (4) deprives the dependent of education as required by law;
10 commits neglect of a dependent, a Class D felony. However, except for
11 a violation of subdivision (4), the offense is a Class B felony if it results
12 in serious bodily injury **and a Class A felony if it results in the death**
13 **of the dependent.** It is a defense that the accused person, in the
14 legitimate practice of his religious belief, provided treatment by
15 spiritual means through prayer, in lieu of medical care, to his
16 dependent.
17 (b) Except for property transferred or received:



1 (1) under a court order made in connection with a proceeding
2 under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5
3 or IC 31-6-5 before their repeal); or
4 (2) under IC 35-46-1-9(b);
5 a person who transfers or receives any property in consideration for the
6 termination of the care, custody, or control of a person's dependent
7 child commits child selling, a Class D felony.

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